

Statement on Signing the Fisheries Act of 1995 November 3, 1995

Today I have signed into law H.R. 716, the "Fisheries Act of 1995." This comprehensive legislation demonstrates the extent to which the United States is involved, and must remain involved, in international initiatives with global impact. It implements international agreements designed to protect important fish stocks both in high seas areas of the world's oceans and off our coasts. Many of these measures implement agreements that required major negotiating efforts over a number of years.

This Act implements and would allow the United States to become a party to the United Nations Food and Agriculture Organization Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. Our negotiators were the principal drafters of the agreement, designed to end the practice of "re-flagging" fishing vessels to evade international conservation rules. The provisions of H.R. 716 that implement this Agreement also provide a basis for the United States to ratify the Convention on Conservation and Management of Pollock Resources in the Central Bering Sea. This will preserve jobs for American fishermen in Alaska and the Pacific Northwest, while protecting fish stocks from over-harvesting. The Act also implements a fisheries convention in the Northwest Atlantic and allows the Administration to seek fishing quota shares for our fishermen in that region.

The Act reauthorizes the Atlantic Tunas Convention Act, enhancing U.S. efforts to ensure that all of the countries fishing for tuna in the Atlantic follow internationally agreed upon conservation measures, and providing enforcement authority, which can be particularly effective when its use is based on international consensus. In addition, H.R. 716 strengthens the U.S. role in maintaining the global moratorium on large-

scale high seas driftnet fishing, implements an agreement to conserve salmon originating from the Yukon River in Canada, and contains other provisions to promote sound fisheries management.

Several provisions in the Act, specifically sections 603-605 and 302(b), could be taken to direct how the Nation's foreign affairs should be conducted. The Constitution, however, vests the President with special authority to conduct the Nation's foreign affairs. My constitutional authority over foreign affairs necessarily entails discretion over these matters. Accordingly, I shall construe these provisions to be advisory, and I hereby direct all executive branch officials to do likewise.

A provision in section 802 of the Act allows the Secretary of Commerce to issue certain fishing permits if the application has been recommended by a regional fishery management council. Because regional fishery management councils are entities within the Federal Government and comprise officials who are not appointed pursuant to the Appointments Clause of the Constitution, they may not exercise significant governmental authority. To avoid this constitutional problem, I hereby direct the Secretary to treat this provision as advisory.

I am pleased to approve this comprehensive legislation, which will conserve fishery resources and allow for their continued harvesting at sustainable levels.

WILLIAM J. CLINTON

The White House,
November 3, 1995.

NOTE: H.R. 716, approved November 3, was assigned Public Law No. 104-43. This statement was released by the Office of the Press Secretary on November 4.